

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: CAMBRIAN NO. 33

DATE: August 30, 2004

Approved

Date

9/7/04

COUNCIL DISTRICT: 9

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Cambrian No. 33 which involves the annexation to the City of San Jose of 0.44 gross acres of land located at the north side of Curtner Avenue, opposite terminus of Joseph Avenue and adjacent to the City of San Jose annexations Cambrian Nos. 30A and 31 and the detachment of the same from West Valley Sanitation, County Lighting County Services, Central Fire Protection and Area No.01 (Library Services) County Services.

BACKGROUND

On August 24, 2004 the City Council adopted Zoning Ordinance 27223 which rezoned the subject property from County to R-1-8 Single-Family Residence Zoning District.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Number 412-40-003 and the detachment from West Valley Sanitation, County Lighting County Services, Central Fire Protection and Area No.01 (Library Services) County Services.

ANALYSIS

The reorganization is defined as 100 percent consent, since the property owners of the parcel signed the annexation petition. The site consists of a discreet 0.44 acres developed parcel. The Registrar of Voters has certified that there is no registered voter in the affected area of the reorganization.

The proposed annexation would facilitate development and intensification of the site with church/religious assembly uses on land that is within the City's Urban Service Area (USA). This parcel is surrounded by City territory to the west, east and south and County territory to the north. The proposed reorganization and annexation of the subject site conforms to the City's General Plan and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities.

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Proceedings are being conducted under provisions of the California Government Code Section 56826, which grants the City conducting authority and allows the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) approval.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each finding.

1. The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO. *The site is located within the City's Urban Service Area.*
2. The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies. *The County Surveyor has certified the boundaries of the reorganization.*
3. The proposal does not split lines of assessment or ownership. *All affected parcel(s) are being reorganized in their entirety.*
4. The proposal does not create islands or areas in which it would be difficult to provide municipal services. *No such islands are being created. The completion of reorganization proceedings would result in the elimination of a pocket of unincorporated territory.*
5. The proposal is consistent with the City's adopted General Plan. *The proposed annexation is consistent with the City's adopted policy within the General Plan, as well as LAFCO and the County of Santa Clara policy in that existing and future urban development be located within cities.*
6. The territory is contiguous to existing City limits. *The area proposed to be reorganized is contiguous to the City limits along three sides as shown on the attached map.*
7. The City has complied with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area. *No such conditions have been imposed.*

PUBLIC OUTREACH

Notices of the public hearings for the rezoning (C03-092) were mailed to all property owners and tenants within 500 feet of the project site. Notice of the public hearings was also published in the newspaper.

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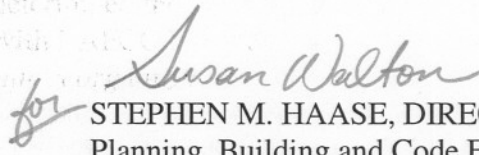
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COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

CEQA

GP2020 EIR (Resolution No. 65459).


for STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

C: Chinese Baptist Church of San Jose, Inc. Attn: Sam Lee, 2215 Curtner Avenue, Campbell CA 95008.

SS

Silicon Valley Land Surveying, Inc.
Project No. 03-0430
October 2003
Revised Nov. 21, 2003

EXHIBIT "A"

Legal Description for Annexation to the
CITY OF SAN JOSE
CAMBRIAN NO. 33

All that certain real property situate in unincorporated County of Santa Clara, State of California, described as follows:

Commencing at the southwesterly corner of that parcel of land officially annexed to the City of San Jose entitled Cambrian No. 30A;

thence northerly along the westerly line of said parcel of land North $00^{\circ}15'29''$ East 20.00 feet to the true Point of Beginning;

thence continuing along said westerly line North $00^{\circ}15'29''$ East 150.27 feet;

thence North $89^{\circ}29'57''$ West 125.91 feet to the line of annexation to the City of San Jose entitled Cambrian No. 31;

thence along the line of last said annexation thence South $00^{\circ}15'29''$ West 150.78 feet;

thence South $89^{\circ}44'00''$ East 125.91 feet to the Point of Beginning.

Containing 0.44 Acres, more or less.



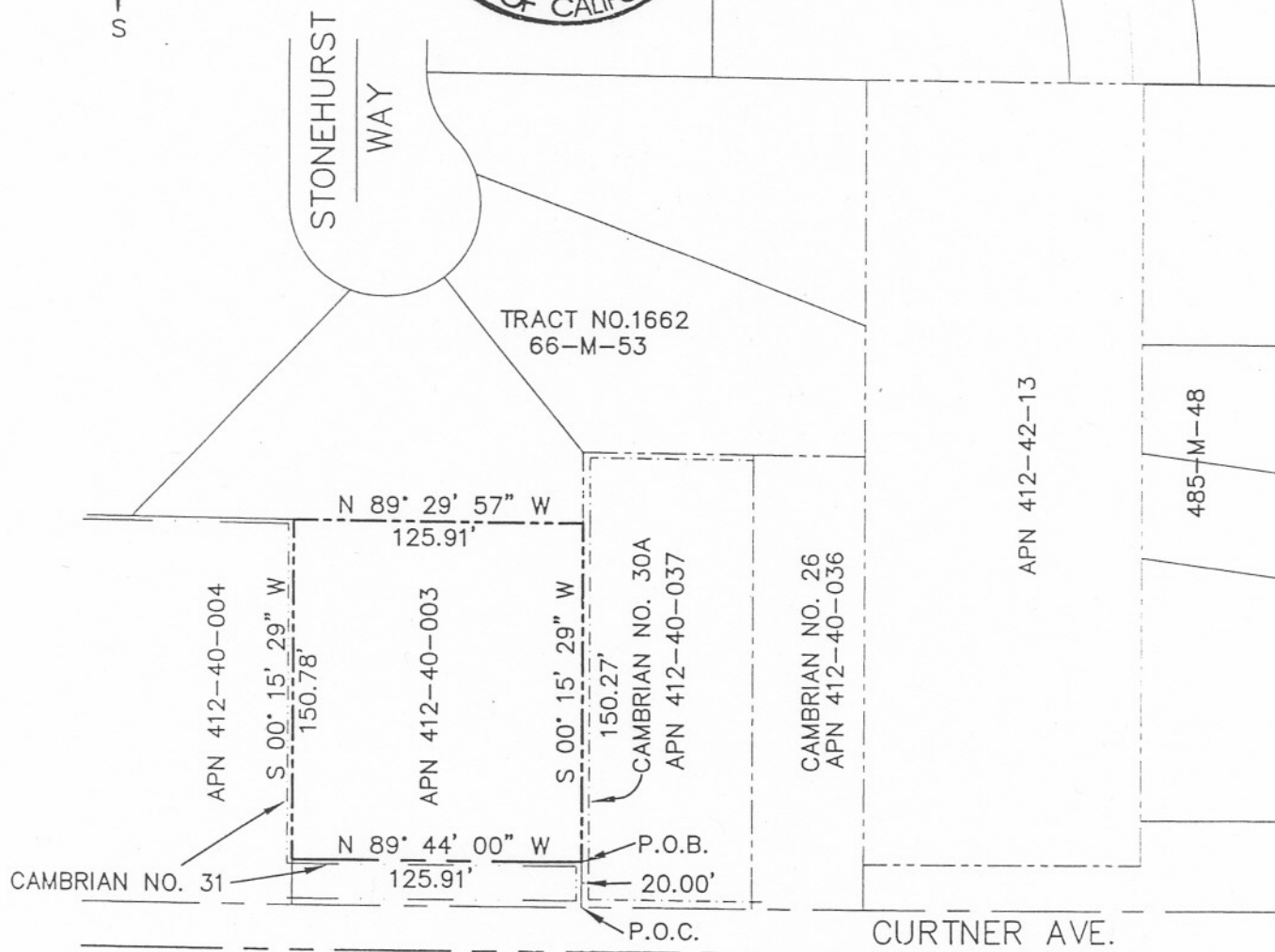
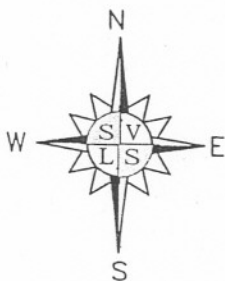


EXHIBIT B

PROPOSED ANNEXATION
TO CITY OF SAN JOSE
ENTITLED CAMBRIAN NO. 33

DATE: 10-28-03

SCALE: 1"=80'



SILICON VALLEY LAND SURVEYING, INC.
LAND AND ENGINEERING SURVEYS
1093 NORTH FIFTH ST. SAN JOSE CA 95112
TEL (408) 971 8572 FAX (408) 971 8501

REVISED 11-21-03